IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3314 OF 2005

IN

SUMMARY SUIT NO.1447 OF 2005

Mr.Suresh N. Rasal. ... Plaintiff.

vs.

Mr.Assan N. Golani.(since deceased) .... Defendant.

And

Jagdish A. Golani. ...Respondent.

Ms.A. Jhaveri i/b. Mrs.S.A.Dhamale, for Plaintiff.

None for Defendant & Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 2nd March,, 2006

P.C.:-

1. This is a notice of motion taken out by the plaintiff for restoration of the chamber summons taken out by the plaintiff which came to be dismissed for non prosecution. For the reasons disclosed in the affidavit in support of the notice of motion and in view of the

willingness of the plaintiff to pay substantial cost to the defendant/respondent, this notice of motion is granted in terms of prayer clause (a). Plaintiff to pay as and by way of cost of this notice of motion Rs.7000/- to the defendant/respondent, within a period of two weeks from today. The learned Counsel appearing for plaintiff states that the affidavit of service in the chamber summons has already been filed. The notice of motion is disposed of.